



Written Testimony to the Judiciary Committee by  
Diane Redleaf, Legal Consultant to Let Grow  
Regarding SB 1133  
Public Hearing, March 3, 23 at 11:00 a.m.

To the Attention of Sen. Gary Winfield, Chair; Rep. Steve Stafstrom, Chair; Sen. John Kissel, Ranking Member; Rep. Craig Fishbein, Ranking Member; and Distinguished Members of the Judiciary Committee:

My name is Diane Redleaf. I reside in Hamden; my two sons, daughter-in-law, and grandson live in New Haven. I am a 1979 graduate of Stanford Law School and have been a civil rights lawyer active in the field of child welfare law for forty years. I have taught as a Lecturer-in-Law at the University of Chicago Law School, including most recently, in 2020, when I taught a seminar entitled “Civil Rights Litigation in a Child Welfare Context.” I am a member of the Steering Committee of the National Alliance for Parent Representation of the American Bar Association. I am also the founder of a bipartisan national policy group called United Family Advocates; I stepped down from its steering committee in 2022.

I am testifying regarding SB 1133 on behalf of the national non-profit Let Grow. Let Grow advocates for legislation supporting children’s rights to engage in age-appropriate independent activities. I have worked as Let Grow’s legal consultant since 2018. While I have worked in multiple states around the country in my role at Let Grow and testified on these measures several times in other states, this is the first state in which the legislation I support could directly affect the wellbeing of my own immediate family.

Let Grow has been involved in supporting “Reasonable Childhood Independence” legislation in the four states where such bills have passed and signed into law: Utah, Texas, Oklahoma, and Colorado (which unanimously passed a Let Grow-supported bill in 2022). Virginia’s legislature also just passed legislation that I helped to spearhead, unanimously, SB 1367, on February 23, 2023. That legislation, similar in many respects to SB 1133, now awaits the Governor’s signature. I also have developed a [legislative toolkit for the Let Grow website](#)

which contains extensive information about these state laws, model laws, and a number of articles in the legal press (including articles I have written and published in legal and child welfare publications). *See* Exhibit 1 listing these articles with links to them.

Let Grow believes that children in our country today have much less freedom to play independently than ever before in our history. *See* Testimony of Lenore Skenazy, President of Let Grow, submitted for the March 3, 2023, Judiciary Committee Hearing. This results from many factors including a lack of clarity in state neglect laws. Let Grow's web page at [www.letgrow.org](http://www.letgrow.org) is replete with information about the causes of children's lack of this basic freedom. It also contains information about programs and supports for promoting children's independence.

In 2020, I supervised Let Grow's 50-state legal research survey, [published here](#) and described in my Children's Rights Litigation Journal and National Association of Counsel for Children articles cited in Exhibit 1. We found that 47 states' neglect laws are open to interpretation as allowing neglect charges to be brought merely because a child was seen alone unsupervised, even if there was no specific danger to the child and no history of neglect. Thanks to Let Grow's efforts in 2021 and 2022 (after Utah passed the first law in 2018), the number of states that do not protect children's independent activities has dropped to 44 (and will drop to 43 assuming Governor Youngkin signs Virginia SB 1367).

Many states including Connecticut remain overdue for revision of their neglect laws to protect children and families from facing neglect or criminal charges if children are allowed to engage in independent activities like playing outside with other children, being home alone, running errands in their neighborhoods and otherwise enjoying some freedoms that earlier generations once took for granted. Laws that specifically state that children's independent activities by themselves do not constitute neglect give parents peace of mind to allow their children to reach their full potential by engaging in activities in their homes and communities and beginning to explore the world around them.

Legislation that Let Grow supports has four significant features:

- (1) Removal/clarification of subjective and vague language that confers open-ended discretion upon caseworkers and law enforcement to determine what neglect might be based on their own opinions rather than a clear legal standard. For this reason, legislation we endorse removes the term "proper care" from the legal

definition of neglect and seeks to ensure that neglect statutes are only used for instances when a lack of necessary care results in tangible or likely harm to a child.

(2) Setting forth a definition of children's independent (i.e., unsupervised) activities, and stating that these activities should not be treated as neglect. The activities included are enumerated but we also state that the enumeration is not exclusive, including *but is not limited to* traveling to and from school, including walking, running, bicycling, or other similar mode of travel; traveling to and from nearby commercial or recreational facilities; engaging in outdoor play; and remaining in a home or other location as long as the parent understands that their child has the capability to manage that unsupervised time.

(3) Defining the threshold state intervention when an inadequate supervision claim is presented to include a requirement that the parent or caregiver is shown to have disregarded an obvious danger that is reasonably likely to cause child harm. (See further discussion of this element of the law below and see Prof. David Pimentel's recent article cited in Exhibit 1).

(4) Conforming the criminal law to the state neglect law as amended so that an action that is not deemed neglect under the children's code is also not criminalized under the state's endangerment/risk of harm criminal code.

As to the standard for finding neglect, states have come up with a variety of formulations of this test. In Virginia's very recent session, the standard of "gross negligence" was unanimously approved by the Virginia House and accepted by the Virginia Senate, after the Senate had first unanimously adopted the even higher burden of showing that the parent or caregiver had engaged in "willful and wanton behavior."

Let Grow submits that setting a clear threshold requiring parent's knowledge of the danger and disregard of it important, because the category of "risk" to children is so often fraught with subjectivity and speculation. Individual parents and community members (and law enforcement and caseworkers) may hold reasonable differences of opinion as to what level of risk any given child is capable of and when the child is ready to take on a challenge. Such reasonable differences of opinion should not become the occasion for neglect investigations or criminal processes. Nor should an age limit be placed on the parent's judgment, because inevitably any age limit is one that is both under-inclusive and over-inclusive.

Childhood is full of risks and managing those risks of daily living is something children must learn. If playing outside is risky, so, too, is being confined indoors. Because there is no such thing as a risk-free childhood, we believe the law should be tightened to focus not on vague risks of harm that “might conceivably happen” to a child if they were, say, allowed to walk to school, but on those parents who ignore obvious dangers. And the legal line should be redrawn to encourage independence, not potentially penalize parents or overly deter them from making their own decisions as to what their children can manage.

Let Grow thanks the Judiciary Committee for raising a bill to address the concerns of families who want to let their kids do something as simple as walk to school or ride their bike around the block, but reasonably fear being stopped if they do so because of the lack of clarity in Connecticut’s law and DCF policy. We need to protect parents who allow age-appropriate unsupervised activities for their kids, not add to the criminalization or shaming of parents who are trying to do their best. We need to reassure parents—the people who know their children best and can best assess their abilities to manage more independence as they grow—that they will not be prosecuted for neglect if let their children out of their sight.

Unfortunately, we have seen instances, [here](#) and [here](#), for example, in which Connecticut children have been stopped for merely being viewed by someone as “too young” to be alone and their parents have been threatened with neglect or endangerment charges.

These incidents are not merely anecdotal. In fact, Connecticut policy guidance, [linked here](#), is very troubling on this point. DCF policy states—incorrectly—that child cannot be alone until they are at least twelve years old, adding that this guidance comports with the views of “experts.” As the testimony submitted to this committee will show, experts strongly disagree with this guidance!

The same DCF policy that urges parents not to let their kids have any unsupervised time before the age of 12 also states that children should not be able to watch younger siblings until they are 15. This contradicts policy of the Red Cross which offers babysitting training for children as young as 11.

Clearly, Connecticut policy on what constitutes children’s age-appropriate independence needs substantial revision.

This year, Let Grow has been working with Connecticut teachers and school administrators, early childhood leaders, mental health experts, pediatricians, child

and family advocates, police, and parents in a broad coalition that advocates for clarification in Connecticut's amorphous neglect law and amending the Criminal Code to be consistent with the neglect law change we seek.

We believe it is time to specify that independent activities that are considered age appropriate are not neglect, and neglect should be limited to instances where parents willfully ignore obvious dangers, not any time they take their eyes off their child.

Thank you for the opportunity to submit this testimony as you consider 2023 Senate Bill 1133 to achieve the goal of supporting children's independent activities and allowing parents to make the best decisions they can about their children's well-being, while protecting children who are truly endangered and need the government's intervention.

Diane Redleaf  
Legal Consultant to Let Grow  
March 2, 2023



## **Exhibit 1: ARTICLES ADDRESSING THE TOPIC OF OVERBROAD NEGLECT LAWS IN THE AREA OF CHILDREN'S INDEPENDENT ACTIVITIES.**

Articles I have written on the topic of legislation related to childhood independence are here include:

Narrowing Neglect Laws Means Ending State-Mandated Helicopter Parenting (Diane Redleaf, *American Bar Association*)

□ Where Is It Safe and Legal to Give Children Reasonable Independence? (Diane Redleaf, *American Bar Association*)

□ Criminal Child Neglect and the 'Free Range Kid': Is Overprotective Parenting the New Standard of Care? (Prof. David Pimentel, *Utah Law Review*)

□ Protecting the Free-Range Kid: Recalibrating Parents' Rights and the Best Interest of the Child (David Pimentel, *University of Idaho College of Law*)

My article in the Public Knowledge's Quarterly, Issue #2 at p. 120, discusses the broader issue with neglect laws and vagueness and put the issue of unsupervised children and the labelling of this as neglect into a broader contest.

That same article is excerpted in *The Imprint*, and I was interviewed about it on a Podcast here. <https://imprintnews.org/opinion/challenge-changing-americas-amorphous-limitless-neglect-laws/65055> and <https://podcasts.apple.com/us/podcast/narrowing-neglect-in-the-law-with-diane-redleaf/id1533882487?i=1000567742952>

In addition, David Pimentel's law review article, "Legislating Childhood Independence," <https://digitalcommons.pepperdine.edu/plr/vol50/iss2/2/> is a survey of legislation in this arena and includes analysis of the legislation that has passed in the four states where legislation has passed as well as other legislation where it has been consider.